

BART M. DAVIS, IDAHO STATE BAR NO. 2696
UNITED STATES ATTORNEY
JOHN C. SHIRTS, IDAHO STATE BAR NO. 9295
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF IDAHO
801 E. SHERMAN AVE., SUITE 192
POCATELLO, ID 83201
TELEPHONE: (208) 478-4166
FACSIMILE: (208) 478-4175

U.S. COURTS
MAY 29 2019
Rcvd. Filed N Time 4:17m
STEPHEN W. KENYON
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

2:19-mj-00467-NJK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN WARREN DURHAM, SADIE JO
JACKSON, MARCELINO JAMES
VALDEZ and KIRK DOUGLAS
MULLINS,

Defendants.

Case No. CR-19-99-E-BLW

SECOND SUPERSEDING INDICTMENT

18 U.S.C. § 2
21 U.S.C. § 841(a)(1)
21 U.S.C. §§ 841(b)(1)(A), (b)(1)(B), (b)(1)(C)
21 U.S.C. § 846
21 U.S.C. § 853

The Grand Jury charges:

COUNT ONE

**Conspiracy to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846**

From in or about September, 2018, through in or about March, 2019 within the District of Idaho and elsewhere, the defendants, JUSTIN WARREN DURHAM, SADIE JO JACKSON, MARCELINO JAMES VALDEZ, KIRK DOUGLAS MULLINS and others both known and unknown to the Grand Jury, did knowingly and intentionally conspire, confederate, and agree

with each other and other persons both known and unknown to the Grand Jury to distribute and possess with intent to distribute five-hundred (500) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A), and 846.

COUNT TWO

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(A); 18 U.S.C. § 2**

On or about March 4, 2019, in the District of Idaho, the defendant, JUSTIN WARREN DURHAM, did knowingly and intentionally possess with intent to distribute fifty (50) grams or more of actual methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(B); 18 U.S.C. § 2**

On or about February 5, 2019, in the District of Idaho, the defendant, SADIE JO JACKSON, did knowingly and intentionally possess with intent to distribute fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT FOUR

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(A); 18 U.S.C. § 2**

On or about February 14, 2019, in the District of Idaho, the defendant, MARCELINO JAMES VALDEZ, did knowingly and intentionally possess with intent to distribute fifty (50)

grams or more of actual methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(C); 18 U.S.C. § 2**

On or about January 10, 2019, in the District of Idaho, the defendant, SADIE JO JACKSON, did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SIX

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(A); 18 U.S.C. § 2**

On or about February 7, 2019, in the District of Idaho, the defendant, JUSTIN WARREN DURHAM, did knowingly and intentionally possess with intent to distribute fifty (50) grams or more of actual methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SEVEN

**Possession with Intent to Distribute Methamphetamine
21 U.S.C. §§ 841(a)(1), (b)(1)(A); 18 U.S.C. § 2**

On or about February 27, 2019, in the District of Idaho, the defendant, JUSTIN WARREN DURHAM, did knowingly and intentionally possess with intent to distribute fifty

(50) grams or more of actual methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

CRIMINAL FORFEITURE ALLEGATION

**Drug Forfeiture
21 U.S.C. § 853**

Upon conviction of the offenses alleged in Counts 1-7 of this Indictment, the defendants, JUSTIN WARREN DURHAM, SADIE JO JACKSON, MARCELINO JAMES VALDEZ, and KIRK DOUGLAS MULLINS, shall forfeit to the United States any and all property, real and personal, tangible and intangible, consisting of or derived from any proceeds the said defendants obtained directly or indirectly as a result of the foregoing offenses; and any and all property, real and personal, tangible and intangible, used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the foregoing offenses. The property to be forfeited includes, but is not limited to, the following:

1. Seized Property. United States currency seized in the approximate sums of:
 - a. \$1,220 (seized from the property of Justin Warren Durham in Idaho Falls, Idaho) on or about March 6, 2019;
 - b. \$1,194 (seized from the property of Marcelino James Valdez in Idaho Falls, Idaho) on or about February 14, 2019.
2. Unrecovered Cash Proceeds and/or Facilitating Property. The defendants obtained and controlled unrecovered proceeds of the offense of conviction, or property derived from or traceable to such proceeds, and property the defendants used to facilitate the offense (if facilitation is alleged), but based upon actions of the defendants, the property was transferred, diminished, comingled, or is otherwise unavailable.

3. . Substitute Assets. Pursuant to 21 U.S.C. § 853(p) and other applicable statutes, the government will seek forfeiture of substitute assets, "or any other property of the defendant" up to the value of the defendants assets subject to forfeiture. The government will do so when the property subject to forfeiture cannot be forfeited for one or more of the following reasons:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third person;
- c. Has been placed beyond the jurisdiction of the court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be subdivided without difficulty.

Dated this 29th day of May, 2019.

A TRUE BILL
/s/ [signature on reverse]

FOREPERSON

BART M. DAVIS
UNITED STATES ATTORNEY

By:



JOHN C. SHIRTS
Assistant United States Attorney

CRIMINAL COVERSHEET

DEFENDANT'S NAME: Kirk Douglas Mullins DEFENSE ATTORNEY: Address: Telephone No.: INVESTIGATIVE AGENT: Dan Riley Telephone No.: (503) 313-7717 AGENCY: Drug Enforcement Administration	JUVENILE: No PUBLIC or SEALED: Public SERVICE TYPE: Warrant (Summons or Warrant or Notice (if Superseding)) ISSUE: Yes INTERPRETER: No If YES, language:
CASE INFORMATION:	RELATED COMPLAINT: CASE NUMBER:

CRIMINAL CHARGING INFORMATION

CHARGING DOCUMENT: Second Superseding Indictment			
Felony: <u>Yes</u> Class A Misdemeanor: _____ Class B or C Misdemeanor: _____ (Petty Offense)		County of Offense: <u>Bannock</u> Estimated Trial Time: <u>5 days</u>	
STATUTE (Title and Section(s))	COUNT/ FORFEITURE ALLEGATION	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
21 U.S.C. § 841(a)(1), (b)(1)(A) and 846	1	Conspiracy to Distribute Methamphetamine	From 10 years to life imprisonment and/or \$10,000,000 fine; at least 5 years supervised release, \$100 special assessment
21 U.S.C. § 853		Drug Forfeiture	

Date: 29 May 2019Assistant U.S. Attorney: JOHN C. SHIRTSTelephone No.: (208) 478-4172**U.S. COURTS**

MAY 29 2019
 Filed N time 2:47
 Recd. CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.

2:19-mj-00467-NJK

KIRK DOUGLAS MULLINS

4:19-CR-99-BLW

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest KIRK DOUGLAS MULLINS and bring
forthwith to the nearest magistrate judge to answer **SECOND SUPERSEDING INDICTMENT**
charging with the below listed violation.

21 U.S.C § 841(a)(1), (b)(1)(A) AND 846 CONSPIRACY TO DISTRIBUTE
METHAMPHETAMINE



United States Courts
District of Idaho

ISSUED

Jillpalkoner
on Jun 05, 2019 11:08 am

Jill Palkoner, Deputy ClerkJune 5, 2019

Name and Title of Issuing Officer

Date

RETURN

This warrant was received _____ and executed with the arrest of the above-name
individual at _____

Signature of Arresting Officer

Date of Arrest

Name & Title of Arresting Officer